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37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date below:

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Date

Signature

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Thomas B. Carlson

Serial No.: 09/771,938

Filed: January 29, 2001

For: PLANTS AND SEEDS OF CORN
VARIETY I015036

Group Art Unit: 1638

Examiner: Mehta, Ashwin D.

Atty. Dkt. No.: DEKA:281US

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

BOX AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed November 5, 2003, rejecting claims 2, 3, 6, 11, 14-20, and 22-31. Appeal is proper as claims 2-4, 6, 11, 14, 14-20 and 22-31 have been, at least, twice-rejected.

The fee for filing this Notice of Appeal is \$330 and is attached hereto.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R.

§§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an
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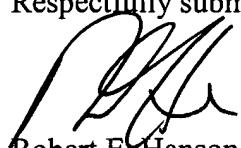
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overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/DEKA:281.

Please date stamp and return the enclosed postcard to evidence receipt of this document.

Respectfully submitted,



Robert E. Hanson

Reg. No. 42,628

Attorney for Applicants

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600 Congress Avenue, Suite 2400
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(512) 536-3085

Date: January 28, 2004



image

AF/1638/

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January 28, 2004

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January 28, 2004

Date

Robert E. Hanson

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: SN 09/771,938 "PLANTS AND SEEDS OF CORN VARIETY I015036"
by Thomas B. Carlson
Our Ref. DEKA:281US; Client Ref. 34-63 (52326)

Commissioner:

Enclosed for filing in the above-referenced patent application is:

1. A Notice of Appeal;
2. A check in the amount of \$330.00 in payment of the required filing fee; and
3. A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/DEKA:281US.

Respectfully submitted,

Robert E. Hanson
Reg. No. 42,628

REH/vv
Enclosures: As stated

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